

PENACHIO MALARA, LLP
Proposed Counsel for the Debtor
245 Main Street Suite 450
White Plains, NY 10601
(914) 946-2889

Anne Penachio, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
In re	:	CHAPTER 11
	:	(Subchapter V)
AARON FISCHMAN,	:	
	:	CASE NO.: 23-36038-cgm
	:	
Debtor.	:	
-----X		

**APPLICATION IN SUPPORT OF ORDER FIXING FEBRUARY 23, 2024 AS THE LAST
DAY TO FILE CLAIMS**

**TO: THE HONORABLE CECELIA G. MORRIS
UNITED STATES BANKRUPTCY JUDGE**

The application of **AARON FISCHMAN**, the above-referenced debtor (the “Debtor”), by and through his attorney, **PENACHIO MALARA, LLP**, in support of the entry of an Order fixing February 23, 2024 as the Last Day to File Claims, respectfully sets forth and alleges as follows:

I. THE DEBTOR’S BANKRUPTCY BACKGROUND

1. On December 19, 2023, the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) *pro se*. The Debtor elected to be treated as a Small Business under Sub-Chapter V.

2. The Debtor is an individual who filed for bankruptcy relief to address his business obligations in a fair and equitable manner in a single forum.

3. The Debtor's goal is to propose and consummate a viable plan which allows him to continue to maintain possession and control of his assets and pay creditors with valid claims over time.

4. The Debtor's liabilities consist primarily of Shalom Maidenbaum, who holds various confessions of judgment which have been challenged, a former law firm and the taxing authorities.

5. Since the filing, the Debtor has continued in the management of his property as a debtor-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

6. No official committee of unsecured creditors or other statutory committee and no examiner has been appointed in this case.

7. Gerard R. Luckman serves as SubChapter V trustee.

II. JURISDICTION AND STATUTORY PREDICATES FOR RELIEF

8. This Court has jurisdiction over the Application pursuant to 28 U.S.C. §§ 157 and 134 and the "Standing Order of Referral of Cases to Bankruptcy Judges" dated July 10, 1984 (Ward, Acting C.J.). Venue in this District is proper pursuant to 28 U.S.C. §1408.

9. The statutory predicates for the relief sought herein are Section 105 of the Bankruptcy Code and Rule 3003 of the Federal Rules of Bankruptcy Procedure.

III. THE FIXING OF A BAR DATE

10. By this application, the Debtor seeks the entry by this Court of the attached order fixing February 23, 2024 as the last day to file claims against him and his property in this Chapter 11 proceeding. The Application complies substantially with the Guidelines promulgated by the Honorable Cecelia G. Morris, former Chief United States Bankruptcy Judge for the Southern District of New York.

11. The Debtor believes that it is in his best interests and in the interests of all of his creditors that the Court fix a date by which creditors must file claims. This will provide the Debtor with certainty in formulating a plan of reorganization and distribution thereunder.

12. No previous application for the relief sought herein has been made to this or any other Court.

13. Because the facts and circumstances set forth herein do not present novel issues of law, it is respectfully requested that the requirement of filing a memorandum of law be waived.

WHEREFORE, the Debtor respectfully requests that this Court enter the order attached hereto as Exhibit A setting February 23, 2024 as the last day to file claims against the Debtor and that he have such other and further relief as is just and proper.

Dated: White Plains, New York
January 8, 2024

PENACHIO MALARA, LLP

By: /s/ Anne Penachio

Anne Penachio
Counsel for the Debtor
245 Main Street, Suite 450
White Plains, NY 10601
(914) 946-2889